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FM AMEMBASSY BANGKOK

TO RUEHC/SECSTATE WASHDC IMMEDIATE 9319

INFO RUEHC/DEPT OF LABOR WASHINGTON DC IMMEDIATE

RUCPDO/DEPT OF COMMERCE WASHINGTON DC IMMEDIATE

RUEHZZ/ASSOCIATION OF SOUTHEAST ASIAN NATIONS IMMEDIATE

RUEHCHI/AMCONSUL CHIANG MAI IMMEDIATE 7421

BT

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STATE FOR EAP/MLS, DRL/ILCSR, G/TIP

LABOR FOR ILAB FOR BSASSER, CCASTRO

COMMERCE FOR EAP/MAC/OKSA FOR JKELLY

STATE PASS TO USTR FOR BWEISEL, BKLEIN

SENSITIVE

SIPDIS

E.O. 12958:N/A

TAGS: ELAB, ECON, ETRD, PREL, KTIP, TH

SUBJECT: THAILAND: OFFICIAL RESPONSE TO PROPOSED CHILD LABOR LISTS

REF: A. BANGKOK 2355 (THAI REACTION TO LISTS)

B. SECSTATE 92560 (CHILD LABOR LISTS)

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1. The Ministry of Foreign Affairs recently provided a copy of Thailand's official comments in response to the Department of Labor's request for public comments on the List of Products Requiring Federal Contractor Certification as to Forced/Indentured Child Labor Pursuant to Executive Order 13126. This cable transmits the text of the diplomatic note; the more lengthy official comments will be sent separately via e-mail to the Department.

2. Begin text of Diplomatic Note No. 1102/1274, dated December 9, 2009:

Dear Ambassador John,

I wish to inform you that, in response to the U.S. Department of Labor's "Notice of Initial Determination Updating the List of Products Requiring Federal Contractor Certification as to Forced/Indentured Child Labor Pursuant to Executive Order 13126" and "List of Goods Produced by Child Labor or Forced Labor" announced on September 10, 2009, the Royal Thai Government hereby submits to the U.S. Government the document on "Thailand's Efforts in the Prevention and the Elimination of Child Labor: Shrimp, Garments, Sugarcane, and Pornography." The document was compiled by the Department of American and South Pacific Affairs, Ministry of Foreign Affairs, in collaboration with all public and private agencies concerned.

The Royal Thai Government attaches great importance to the issue of child and forced labor. Upon learning that Thailand is listed on two of the Department of Labor's reports mentioned above, the Prime Minister instructed the Ministry of Foreign Affairs to set up a working group comprising of public and private agencies concerned to consolidate the information on what Thailand has been undertaking in the prevention and elimination of child and forced labor problem, especially in the sectors mentioned in the Department of Labor's lists.

During the meeting of this working Group and prior meetings among relevant agencies, concerns have been expressed on the methodology used in gathering the information and in compiling these reports and

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lists. The references made are secondary sources, and some outdated, which beg the question of their credibility. In addition, the sources sometimes are case studies of isolated incidents in a specific area, and do not reflect the overall picture of the whole industry. The reports and the lists do not fairly reflect the overall situation in Thailand and her continuous attempts in addressing the matter. Without duly recognizing the country's genuine and increasing efforts, the reports would discourage existing efforts undertaken by both the Thai Government and private sector.

For shrimp products, there has been close cooperation between Thailand and the United States. The U.S. Immigration and Customs Enforcement (ICE) have been seen on several occasion to observe the operation and labor employment of shrimp facilities in Thailand and expressed their satisfaction with the result and appreciation for the transparency shown by Thailand. The Thai public and private agencies have also regularly inspected workplaces in the shrimp industry. The shrimp private sector has been very proactive in tackling the issue by setting up their own rules and regulations in addition to those of the Government as well as their own mechanism to help monitor their own industry and to put pressure on their members.

For garment, 80 percent of the garment production in Thailand is for exportation. The production process is under both domestic and international standards which include child labor standards. The brand companies which outsource the production to Thai companies also have set up mechanism for random inspections by internationally accepted third party. No illegal child labor has been found in Thailand's export garment production during the past several years.

For sugarcane, the private sector confirms no use of child labor in the industry. Children found in sugarcane production are not hired labor. They may accompany their parents who work at the plantations to spend time with their parents. The reference source of the Department of Labor in the sugarcane part is from a research done back in 2006 specifically in Udon Thani Province and, therefore, does not fairly represent the present and accurate situation of the entire industry.

with regard to child pornography, it is illegal in Thailand and

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Thailand recognizes the importance of the elimination of this problem. There are several Thai laws against child pornography as listed in the attached document. The Government works closely with foreign governments, including the United States, in enforcing these laws and bringing cases against those who have abused Thai children for the purpose of pornography.

The Ministry of Foreign Affairs that the Embassy would kindly forward the attached document and convey the afore-mentioned facts and efforts in Thailand in preventing, addressing, and eliminating the child and forced labor problem to the U.S. Department of Labor and other agencies concerns. The Embassy's active role in ensuring that the DOL appreciates the real situation of child and forced labor in Thailand and our efforts would be much appreciated. In this regard, we hope that Thailand will be removed from the lists of child and forced labor for the afore-mentioned products, namely, shrimp, garment, sugarcane and child pornography.

I thank you for your kind understanding and support.

sincerely yours,  
/s/

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Chirachai Punkrasin  
Director-General  
Department of American and South Pacific Affairs

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